

7jgmthhd (1/12)

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF MISSOURI**

***In Re:*** Russell Lee Cook and Wanda Faye Cook  
***Debtor***

***Bankruptcy Case No.***  
12-61300-abf11

**Arvest Bank**  
Plaintiff(s)

***Adversary Case No.***  
12-06059-abf

v.

**Russell Lee Cook**  
**Wanda Faye Cook**  
**Russel L. Cook, as Trustee of the Russell L. Cook**  
**Revocable Trust**  
**Wanda F. Cook, as Trustee of the Wanda F. Cook**  
**Revocable Trust**  
**Empire Bank**  
Defendant(s)

**JUDGMENT**

This proceeding having come on for trial or hearing before the court, the Honorable Arthur B. Federman , United States Bankruptcy Judge, presiding, and the issues having been duly tried or heard and a decision having been rendered.

***IT IS ORDERED AND ADJUDGED:*** In Accordance with the Court's Order Declaring That Arvest Bank's Judicial Lien is Superior to The Liens Asserted By Empire Bank and Directing Judgment In Favor of The Debtors on Their Preferential Transfer Claim Against Empire Bank, Document No. 43, entered by the Court on 3/14/2013, Judgment is hereby entered as follows: (1) As to Count I of the removed Petition for Declaratory Judgment (Doc. #1), and Count II of the Cross-Complaint to Set Aside Preferential Transfer to Empire Bank and for Declaratory Judgment (Doc. #11), the Court DECLARES and ORDERS that:(i) Empire Banks Deed of Trust dated October 16, 2007, recorded in the Office of the Recorder of Deeds of Taney County, Missouri, in Book 2007, Page L56401, is not valid and does not encumber any of the Cooks property in Taney County, Missouri and (ii) that Arvest Banks judicial lien created by the Judgment entered in Case No. 10AF-CC00308 in the Circuit Court of Taney County, Missouri, has priority as against any lien asserted by Empire Bank against the Cooks real property in Taney County; and(2) As to Count I of the Cross-Complaint to Set Aside Preferential Transfer to Empire Bank and for Declaratory Judgment (Doc. #11):(i) the Clerk is ORDERED to enter Judgment in favor of Debtors Russell Lee Cook and Wanda Faye Cook; (ii)the Cooks assignments of the GEP, Inc. and Branson Development note and the Weathers and Nichols note to Empire Bank are set aside as preferential transfers pursuant to 11 U.S.C. § 547(b); (ii)Empire Bank is ORDERED, pursuant to 11 U.S.C. § 550, within 14 days from the date of this Order, to take whatever steps as necessary to effectuate the transfer of the notes back to of Debtors Russell Lee Cook and Wanda Faye Cook, and to pay over to the Debtors any payments it has received under the notes; and(3)Each party to bear its own costs.

The foregoing Memorandum Opinion constitutes Findings of Fact and Conclusions of Law as required by Rule 7052, Rules of Bankruptcy.

**Ann Thompson**  
Court Executive

By: /s/ Sharon Greene  
Deputy Clerk



Date of issuance: 3/14/13

Court to serve